



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 02/03/10

Ymweliad â safle a wnaed ar 02/03/10

Appeal Decision

Hearing held on 02/03/10

Site visit made on 02/03/10

gan/by Gareth A. Rennie MRTPI FRGS

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 07/04/10

Appeal Ref: APP/H6955/A/09/2116074

Site address: Forge Farm, Pont y Blew, Chirk, Wrexham, LL14 5BH

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by J.E. & V. Evans & Sons against the decision of Wrexham County Borough Council.
- The application Ref CHI P/2009/0089, dated 4 February 2009, was refused by notice dated 5 May 2009.
- The development proposed is an agricultural workers dwelling and installation of a septic tank.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The application is for outline permission and I have therefore proceeded on that basis.

Main issues

3. The main issue in this case is the effect of the proposal on the objectives of policies designed to control the provision of housing and protect the character and appearance of the countryside.

Reasons

4. The appeal site is located within open countryside close to the river Ceiriog and within the Ceiriog Valley Special Landscape Area (SLA) to the south of Chirk. It is adjacent to the farmstead, known as Forge Farm.
5. The appeal site is within the appellants' ownership and makes up part of a farming unit which is held in partnership by the appellants. The farm is about 320 acres in extent, owned by the partnership or held under Farm Business Tenancies. The farmstead consists of a house, and a range of buildings including

two large sheds that house a milking parlour, cattle pens, storage areas and machinery storage.

6. Forge Farm is a mixed dairy, sheep and arable farm, with a maximum of about 120 dairy cattle. There are a further 120 followers approximately and 70 lambing ewes. These numbers vary according to the time of year. In addition a proportion of the farm is used for the production of silage.
7. The house is currently occupied by the appellants and their family but of them it is Mr Evans who has the role of a key worker. One other key worker is employed part time at the farm, and Mr Evans' father also works full time at the farm. Mr Evans senior is in his 80's and is on the verge of retirement. The proposal is for the construction of a dwelling adjacent to the farmstead to provide living accommodation for a key agricultural worker.
8. Policy H5 of the Wrexham Unitary Development Plan (UDP) says that outside defined settlement limits new housing will only be allowed where there is an essential need to house an agricultural worker who must live on the site, the long term financial viability and functional management of the site is proven, there are no suitable buildings nearby which could be converted into a dwelling; and the new dwelling is sited adjacent to an existing building, can be landscaped, and is of a form, bulk design and materials which reflect the locality's rural character. National guidance contained in Technical Advice Note 5 (TAN6) also seeks to protect the countryside from encroachment. It requires strict control of development away from established settlements. An exception to this is the provision of dwellings for agricultural workers.
9. Advice in TAN6 should be taken into account and this makes clear that such proposals for agricultural workers' dwellings should satisfy both a financial and a functional test.

Character and appearance

10. The Council contend that the proposed dwelling would lead to unnecessary encroachment into the surrounding area and harm its character and appearance and that of the SLA. The appeal site would be set well back from the existing road which separates it from the existing dwelling. It would also be well separated from the existing agricultural buildings on the site. The disconnected site, long driveway and large curtilage area would give it the appearance of a separate and unrelated dwelling.
11. The proposal would, therefore, introduce a significant new built element into the site, and I consider that it would not be sufficiently close to existing development at Forge Farm or sufficiently functionally connected to the farmstead as to be seen as part of the existing cluster of buildings.
12. The siting of an additional dwelling within this setting would undermine the area's open rural character by introducing new built development outside of and seemingly unrelated to the existing farmstead. I consider that it would extend the existing built development into open countryside. The proposed dwelling would be in a prominent position, visible from surrounding countryside and would be out of character with the site and the countryside and SLA of which it is a part. For these reasons the proposal is contrary to Policy H5 and EC5 of the UDP.

13.

Agricultural justification

14. The appellants have provided evidence that the farm business is well established, has a substantial capital base and that has operated at a profit. The farm is currently expanding and employs 2 people on a full time basis. I am satisfied that there is sufficient security of tenure within the overall landholding to maintain this. It has been shown that the total labour demand for the farm is about 5.14 full-time workers.
15. The appellants argued that the needs of the farm demand that two key workers are present on the farm in order to maintain the operation, ensure the welfare of the stock, bio-security, and health and safety requirements. The farm currently operates a dairy herd and also maintains herd levels through the continual calving of cattle, and the production of beef calves. The appellants have stated that cows and heifers due to calf have to be observed at hourly intervals and that a significant number of calves are reared each year. In addition, it is contended that the demands of bio-security mean that someone needs to be on site to supervise access to the farm.
16. The farm is a large concern that is made up of a number of complex operations that require regular attendance. In particular the calving process requires almost continual monitoring and can include periods of active intervention. At the hearing evidence was provided showing that this intervention often needs to be rapid. Evidence was also given at the hearing to show the health and safety requirements in the handling and housing of cattle. I would conclude that both for health and safety reasons and the welfare of the animals the presence of two workers is necessary in a number of procedures and interventions during the calving process. The artificial insemination (AI) of the cattle is also a process that depends on regular monitoring of cows and heifers at all hours.
17. Mr Evans senior currently works full time at the farm. However, I accept that this situation is not likely to persist due to his retirement. The operation and future expansion of the farm is dependant on employing a qualified full-time stockman.
18. I acknowledge that there is currently one key worker on site and that this is probably sufficient to ensure effective security and bio-security measures. I would conclude, however that the cumulative demands of the farm, particularly those that occur out of normal working hours, require the attentions of more than one worker. This is particularly true of the calving, lambing and AI process, during the night, where it would be too onerous a task for one worker. I have also taken into account that the current arrangements may lead to stock losses.
19. There are no other dwellings on the site and the appellants' asserted that there is no suitable or affordable accommodation in the immediate vicinity. It is also evident that no other buildings within the holding would be suitable for conversion because of their construction and because they are in active use. The Council state that the existing part-time worker lives in a nearby settlement and that if accommodation could be secured in any of the nearby settlements then it should be possible for them to attend in an emergency.

20. I would concur in part, but conclude that it is not emergency situations that are solely in question, rather the needs of the holding are such that two key workers need to be in attendance and available for the regular monitoring and intervention that has been shown to be part of the operation. Moreover, there appears to be little evidence of housing availability within the nearby settlements.
21. I conclude, therefore, that there is a functional need, dictated by the operational needs of the farm, for two key workers to be permanently resident on site. I am also satisfied that the future use of the dwelling and its occupation by an agricultural worker could effectively be controlled by condition.
22. The Council have also indicated that it considers that insufficient information has been submitted to allow for the proper assessment of the effect of the proposal on trees and hedgerows in and around the site. I consider that the site is sufficiently large and has sufficient opportunities for access that, overall, any harm to trees or hedgerows could be affectively controlled by condition or through the reserved matters process.
23. The site is also close to the Afon Ceiriog which is part of the Afon Dyfrdwy Site of Special Scientific Interest (SSSSI) which forms part of the River Dee and Bala Lake Special Area of Conservation (SAC). The proposal would not have a direct impact on the SSSI or SAC, however, there is evidence that the river is heavily used by otters and the Countryside Council for Wales are concerned that the proposed development does not lead to additional disturbance on or near the rivers banks. In this case the site is clearly separated from the river and I consider that conditions could be placed on any permission to ensure that separation and eliminate any disturbance.
24. I also consider that whilst the proposed house as indicated is reasonably large, it would not be excessive in size and would represent a realistically sized family house for an agricultural worker. Furthermore the design of the house would also be controlled by the reserved matters process.
25. Nonetheless, I consider that this does not undermine my previous conclusions concerning the harm to character and appearance that I have identified.
26. Whilst I consider that the appellants have satisfied both the functional and financial tests for an agricultural workers dwelling on the farmstead, I conclude that proposal would seriously harm the character and appearance of the surrounding countryside and SLA.
27. Consequently for the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Gareth A. Rennie

Inspector

APPEARANCES

FOR THE APPELLANT:

Richard Corbett	Roger Parry & Partners, Oswestry, SY11 2NV
C Evans	Appellant
F Evans	Forge Farm, Chirk, LL14 5BH

FOR THE LOCAL PLANNING AUTHORITY:

Bob Dewey MRTPI	Planning Control Manager
Simon Greenland MRTPI	Planning Officer
Richard Sumner CMLI	Landscape Officer
Charlotte Beattie MRTPI	Planning Officer
David James BSc	Assistant Valuer

DOCUMENTS

- 1 Plan showing position of Gas Main
- 2 Historic Map of Site

PLANS

- A Application Plan

PHOTOGRAPHS

- 1 Colour Aerial Photograph of site
- 2 Black and White Aerial Photo of Site